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SUBJECT: NATIONAL ASSEMBLY LEADER REACTS TO TIP REPORT

REF: State 185426

¶1. Summary. On July 28, Madame Ton Nu Thi Ninh, Vice Chairwoman of the External Relations Committee of the National Assembly (NA), made an unannounced appearance at the USAID-funded Development Alternative Initiative (DAI) meeting in Hanoi. Madame Ninh expressed the GVN's support for anti-trafficking programs in the country and raised the TIP report. She noted both the report's lack of a U.S. profile and failure to mention the GVN's development of an evolving national plan, and stressed the benefits of "intermediary agencies" over national law in combating trafficking. End Summary.

DAI meeting

¶2. The USAID/DAI meeting in Hanoi brought together representatives of NGOs working on trafficking to gather information and statistics for the purpose of creating a Geographic Information Systems map of trafficking activities in Vietnam, one of six countries in the Mekong sub-region portion of the mapping project. The DAI group will hold another meeting in HCMC "shortly."

Madame Ninh's Speech

¶3. Addressing the 30-person meeting, Madame Ninh recalled a visit to the Washington State earlier in the year with a delegation of Vietnamese women government leaders. Trafficking was one of the items on their agenda. In addition to meeting several NGOs working to combat TIP, the delegation also met with Washington State Representative Velma Veloria, an advocate for anti-trafficking programs and legislation. During that visit, Madame Ninh had read the 2004 G/TIP report. She noted the irony of a congressionally mandated worldwide report lacking a profile on the U.S., particularly considering that the U.S. was a major destination country for trafficking victims. Madame Ninh questioned why the U.S. should "escape scrutiny and not rank itself" according to the criteria set forth in the tier system.

¶4. Mdm. Ninh did not dispute Vietnam's Tier Two ranking and said she believed the report to be a "rather well-informed summary," but she added that she wanted to address some of the criticisms of Vietnam laid out therein.

Evolving National Law Against TIP

¶5. Madame Ninh pointed out that Vietnam now had a national plan to fight TIP, something the report said was lacking. Currently evolving, the national plan designated the Ministry of Public Security as the focal agency for fighting trafficking. Deliberation regarding the lead agency had been difficult, Madame Ninh said, as each agency had its own merits and drawbacks. Creating a supra-agency to address TIP seemed inefficient at this time, she continued. The GVN currently had the vision, program, and political will to create an anti-trafficking national plan within its current institutional structure, Madame Ninh said.

¶6. Madame Ninh also acknowledged that Vietnam did not have a national law specifically addressing trafficking, but said that this was because there was not an immediate need for it. Addressing the Vietnamese NGOs in the meeting, Ninh said, "if you regard this as crucial, inform the National Assembly. The onus is on you." That said, seeking the attention of the National Assembly on the issue would require a strong case, as the Assembly was inundated with requests on a variety of issues, she warned.

¶7. Instead of new laws, Madame Ninh suggested that the crucial need in Vietnam was for information campaigns and programs to work directly with victims. The absence of a national law against trafficking did not impede the power of the Vietnamese people and the GVN to combat trafficking, she said. International efforts were also possible without new legislation, she noted: the Parliaments of six countries in SE Asia planned to meet in September in Cambodia to discuss

creating "do-able" guidelines for cooperation in addressing cross-border trafficking.

The Need for "Intermediary Agencies"

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¶8. Sharing her own experience with workers who had encountered difficulties overseas, Madame Ninh described meeting a group of Vietnamese women at the airport in Bangkok. Without reason, the women were ordered by their Taiwan employer to suddenly return home. Some of the women had worked in Taiwan for approximately eighteen months; one woman, however, had worked for only a month. She was distressed because she did not have the money to repay the 15 million-dong (approximately USD 950) debt incurred while making arrangements to go to Taiwan. The story had amplified the need to focus on helping victims rather than writing new laws, Madame Ninh said. Another group of Vietnamese women had approached her about contributing their "small amount of savings" to reduce trafficking to Taiwan, but Ninh said she had advised the women to use the money to set up micro-credit programs, call centers, and other support organizations in Taiwan. Often, the only points of contact for Vietnamese abroad were the foreign companies who had hired them, she said.

Recent GVN attention to TIP

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¶9. Ninh said that recent government attention to TIP in Vietnam was due to the lobbying efforts of prominent former government leaders: Former Vice (State) President Nguyen Thi Binh; Former Chair of the Committee for Protection and Care of Children, Madame Tran Thi Thanh; and Former Assistant to Madame Nguyen Thi Binh in the Ministry of Foreign Affairs, Nguyen Ngoc Dung. Madame Dung, now the Vice-President of the Ho Chi Minh City Child Protection Association, strongly believed public and social activities should complement each other, Ninh said.

Back-and-Forth between Ruchira Gupta (DAI) and Madame Ninh

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¶10. Ms. Ruchira Gupta, the lead person for DAI, explained that the USG had a separate process for evaluating trafficking in the U.S. through the 2000 Trafficking Victims Protection Act. This separate Congressional mandate, coupled with the TIP report's function as a report on non-U.S. trafficking, were the reasons for the omission of the U.S. profile, Gupta said. Ninh suggested the inclusion of some sort of executive summary in the TIP report. Madame Ninh noted that doing so would make the U.S. "look better," and that the omission of a U.S. profile made the report seem "prejudiced."

T Visa Program Sustainable?

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¶11. Ms. Gupta also pointed out that the Victims Protection Act did indeed afford TIP victims protection. Trafficking victims were not considered illegal immigrants, Gupta explained. Through the T visa program, they could remain legally in the U.S. and ultimately apply for U.S. citizenship. The first T Visa recipient was now a U.S. citizen, Gupta said. Therefore, "laws can make a difference."

¶12. Madame Ninh acknowledged the positive aspects of the TVPRA and T Visa program, but said there should be no need to "dangle U.S. citizenship" in front of trafficking victims, "as some kind of reward for migrating to the U.S. for work." U.S. citizenship as protection was not "sustainable," Ninh said.

¶13. A sustainable solution, Ninh suggested, would be to send the trafficking victims home, give them job training, and reintegrate them into their communities. According the Ninh, State Rep. Veloria of WA had relayed to the Vietnam delegation a story of one Viet Kieu sponsoring 6-7 workers and providing the people with jobs in America. Acknowledging the person's act of kindness, Mdm. Ninh opined nonetheless that such a pattern also was not sustainable.

¶14. (SBU) Comment: Madame Ninh is by no means the government of Vietnam, and her point of view does not represent an official response to the 2004 TIP report. Her acceptance at face value of the statements in the report should also not be taken as representing the GVN. Madame Ninh is not an expert on the trafficking situation in Vietnam. What is typical of Vietnamese official reaction to U.S reports like this one is the complaint that the USG does not rate itself. It is good to note that at least some elements of the GVN leadership have read and digested the report, and not rejected its points outright. We can build on this acceptance in our efforts to convince the GVN to implement our suggested action plan (reftel).

